

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

# PUERTO RICO TOURISM COMPANY,

**Plaintiff,**

V.

PRICELINE.COM INCORPORATED,  
et al.,

## Defendants.

Civil No. 3:14-cv-01318 (JAF)

## ORDER

The Motion to Strike Jury Demand filed by the Defendants on August 7, 2015,

8 (ECF No. 136), is DENIED.

9        The matters to be decided at trial present questions of fact and mixed questions of  
10      fact and law that cannot be decided as a matter of law. The parties heatedly dispute the  
11      facts which shed light on the level of control the OTCs have over the hotels. But taking  
12      the facts in the light most favorable to the Company, a reasonable jury could determine  
13      that the OTCs exercise a level of control over the hotels that is sufficient to warrant a  
14      finding that they are “hoteliers”, either directly or as agents, under the Act. However,  
15      given that genuine issues of material fact exist surrounding the level of control that the  
16      OTCs have, only a jury will be able to make a final determination of that issue.

## IT IS SO ORDERED.

San Juan, Puerto Rico, this 26th day of August, 2015.

S/José Antonio Fusté  
**JOSE ANTONIO FUSTE**  
**U. S. DISTRICT JUDGE**